It is in these areas where I think the Administration has a backwards policy—rather than rewarding good behavior, we are rewarding bad behavior.

Since 1994 when the U.S. adopted an ''Agreed Framework'' with North Korea, here are just some of the acts by North Korea:

Launched a three-stage missile last summer, and continues to work on and export missiles capable of hitting the United States;

Worked on vast underground construction complex—historically used by North Korea to cover work on military or nuclear installations;

Taken actions to hinder work of international inspectors sent to monitor North Korea's nuclear program;

Sent submarine filled with commandos to South Korea; and

Violated the military armistice agreement by firing on ROK soldiers.

Today, the North Korea Advisory Group in the House of Representatives released a report that found that ''the comprehensive threat posed by North Korea to our national security has increased since 1994.''

What has been the U.S. response?

DPRK is now the No. 1 recipient of U.S. assistance in East Asia: $645 million since 1995 includes providing at least 45% of fuel needs and over 80% of food aid; and sending 500,000 tons of oil a year, as well as trying to get other countries to come up with the funds for KEDO (Korean Peninsula Energy Development Organization) and for two light-water reactors.

I cannot say for certain that North Korea's government would have collapsed without our help. But I do not think that it will ever fall with two strong American legs holding it up.

And how about U.S. policy toward Iraq?

The U.S. spent $4.5 billion during the Desert Shield operation. From the end of the war until 1999, U.S. spent $6.9 billion on our ongoing operations—including the Desert Fox bombing, enforcing the no-fly zone, monitoring the seas, etc. It is estimated that we are spending $100 million a month currently to police the Northern and Southern no-fly zones. We have dropped over 1,000 bombs on Iraqi radar, air defense, and communications facilities. Occasionally, we've also hit an oil production facility.

But while we are spending all this money to ''keep Saddam in his box'', we are allowing him to rebuild the oil production that funds his war machine.

At the end of the war, a multilateral embargo was imposed on all Iraqi exports, including oil. This embargo was supposed to remain in place until Iraq discloses and destroys its weapons of mass destruction programs and undertakes unconditionally never to resume such activities. This has not happened.

But we allowed the UN Security Council to implement an ''Oil-for-Food'' program that lets Hussein sell $5.2 billion of oil every six months.

In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.4 billion, with 95% attributed to petroleum exports. Iraq's imports during that same year, 1990, totalled only $6.6 billion.

The U.N. has lifted the sanction on the only export that matters. Iraq's oil production now equals production prior to the war (over 2 million B/D). And now we're going to let Saddam sell even more oil. And we're buying his oil. The U.S. is importing 700,000 barrels a day of Iraqi crude—almost twice what we import from Kuwait.

United Nation's recently announced that Iraq could export $3.04 billion more in oil. This is in addition to the $5.26 billion already authorized for the six-month period.

Incredibly, this new resolution, UNSR 1266, was adopted on the same day that reports surfaced that nearly 10,000 tons of oil smuggled from Iraq was seized from five ships in the Persian Gulf in less than a three week period.

Again, although I cannot say for certain that some of Iraq's friends in the world would not find ways around a total embargo, I do know that without cutting off Saddam's oil lifeline we still face an emboldened dictator.

The Administration seeks to defend this oil-for-food program as a humanitarian gesture, but our own State Department pointed out in a recent study that Saddam Hussein is subverting the program to his own gain.

September 1999 Report by the Department of State finding that Saddam's regime was illegally diverting food and other products such as baby milk, baby powder, baby bottles and other nursing materials obtained under the oil-for-food program. In one example cited by the Department of State:

> Baby milk sold to Iraq through the oil-for-food program has been found in markets throughout the gulf, demonstrating that the Iraqi regime is depriving its people of much needed goods in order to make an illicit profit.

Moreover, the report found that ''the government of Iraq is mismanaging the oil-for-food program, either deliberately or through mismanagement.''

A few weeks ago, Kuwait seized three Iraqi cargo ships illegally exporting dates, lentils and jute seed and cloves used in animal feed.

But we continue to let money flow into this program. We've even allowed Baghdad to use about $900 million of oil revenue to rebuild its oil industry. Perhaps to make up for the fact that we occasionally bomb a facility that we know is used for smuggling gas oil?

The U.S. State Department Report concluded that:

> Saddam Hussein's regime remains a threat to its people and its neighbors, and has not met its obligations to the UN that would allow the UN to lift sanctions.

With this conclusion in black and white, why in the world did the U.S. vote to lift the ceiling on oil. Oil is Saddam's lifeline? It is the only sanction that matters.

Fueling and feeding the enemy is unacceptable to this Senator. Unfortunately, I don't have a vote at the UN and this President has continued to bypass Congress as it pursues appeasement of these two rogue regimes.

If these actions define this Administration's approach to engagement, then I don't want to get married.

Mr. President, I yield the floor.

Mr. President, I have another statement with which I would like to conclude. How much time is remaining?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. MURKOWSKI. I might need a couple of more minutes to finish. I ask unanimous consent I may extend my time to a full 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE POLICY

Mr. MURKOWSKI. Mr. President, I will be responding to some statements that were made during a debate that was held on this floor late last week concerning the Nuclear Waste Policy Amendments Act of 1999, which the leadership attempted to bring before this body. It was objected to by the other side.

I will take this opportunity to go back and forth between truth and fiction regarding this issue, because I think it is important we all have an opportunity to review the facts as opposed to the rhetoric that suggested that some things are risky when, in reality, we have addressed that risk through technology or other means. Last week, there was an allegation made that the radiation release standards for the permanent repository at Yucca Mountain contained in S. 1287 are inconsistent with the range of 2 to 20 millirem suggested by the National Academy of Sciences.

In the real world, somebody has to make these judgment calls regarding what level of radiation the public will recognize as being valid and protective of their interests. This level should be determined not by emotion but by sound science. The question is, Who has the sound science?

We believe the National Academy of Sciences certainly has that scientific expertise to make these judgments. As a consequence, we believe they should play a role in setting the radiation standard, as required by the Energy Policy Act of 1992.

What we are going to do here is respond to the myth by reminding my colleagues that the National Academy of Sciences, in fact, did not make a recommendation for a specific radiation standard nor a range of exposure levels. Going back to page 49 of the NAS report, it states:

> We do not directly recommend a level of acceptable risk.

In fact, the NAS said the appropriate risk level was a decision for policymakers. Congress is the ultimate decisionmaker on policy. S. 1287 establishes the basis for regulations that protect the public health and safety and the

environment from radiation releases at repositories.

My good friends and colleagues from Nevada will have you believe I have something against the people of Nevada. I do not have a constituency with regard to this issue because in Alaska we do not have an operating nuclear plant, therefore we do not have nuclear waste. However, as chairman of the Energy and Natural Resources Committee, I have an obligation and an oversight responsibility to address and resolve this issue.

The reality is, I am very sensitive to the feelings of the people in Nevada regarding the waste. But we have to store it somewhere. The logic has always been that the best place to store this waste is in an area where we have had 50 years of nuclear testing, out in the desert. That is what we have done in the study of the feasibility of placing a permanent repository at Yucca Mountain, where we have expended over $6 billion already.

S. 1287 is consistent with existing law, which required the National Academy of Sciences to recommend a standard that protects people in Nevada. This chart shows the annual radiation doses allowed by various regulations. I think it is important to recognize the standard in S. 1287 is more stringent than required by Nevada law. Nevada has an administrative code, section 459.35, which states that ''the total effective minimum dose to any member of the public from any licensed and registered operation does not exceed 100 millirems per year.'' S. 1287 would result in a standard that is only one-quarter of that set by Nevada itself.

To me, this is a responsible approach. I will repeat one more time: This bill will result in a standard that is one-quarter of the standard set by Nevada itself. We are certainly sensitive to the demands of Nevada that health and safety be protected. S. 1287 will ensure that releases of radioactivity from the repository will not result in an annual dose to an average member of the population in the vicinity of the site in excess of one-tenth the radioactivity received from natural background sources by the average U.S. resident.

This standard is lower than guidelines recommended by the preeminent international and national advisory organizations. These organizations include the International Commission on Radiological Protection and the congressionally chartered National Council of Radiation Protection and Measurement to provide guidance on radiation protection to countries worldwide.

I have another chart showing sources of radiation exposure. The term ''millirem'' may not mean much to most people, but let me put this in perspective.

The standard we have set in S. 1287 will limit a possible exposure of 25 to 30 millirems per year to the people who might receive the most exposure over the next 10,000 years.

As this chart shows, we all get 80 millirems a year of extra radiation working where? Right in this Capitol Building. Each one of us—all the pages, everybody—get 80 millirems a year of extra radiation, and it is from the stone in the Capitol which contains naturally reoccurring radiation. Maybe we ought to tear the Capitol down. That is one way to get rid of all extra radiation.

After all, we all get more than three times as much radiation above-background levels in a year as this bill, S. 1287, will allow the closest individual to Yucca Mountain, which is the proposed site of the permanent repository. The next chart shows the location of the permanent repository. This is the Nevada Test Site. This is the area we have used previously for more than 800 nuclear weapons tests. That is where we want to store our Nation's nuclear waste.

I have another chart that shows other examples, and this is in comparison to the EPA's draft rule which would limit Yucca Mountain to exposures, assuming that people in Nevada drink untreated ground water, to levels as low as one-tenth of a millirem.

This is in violation of existing law. One of my five principles reflected in this legislation is that Yucca Mountain rules for radiation should be set by the Nuclear Regulatory Commission, not by the Environmental Protection Agency.

Some have asked why. This is the reason why: The 1992 Energy Policy Act required the Environmental Protection Agency to issue regulations governing the maximum annual effective dose equivalent to individual members of the public consistent with the study of the National Academy of Sciences. Instead, what EPA did is issue draft regulations that are counter to the recommendations of the National Academy of Sciences.

One has to wonder why. Is it to kill this effort? Some within the Environmental Protection Agency would like to see the nuclear industry in this country go away, die, buried, gone forever. Regardless, we have an obligation to recognize that about 20 percent of our power is generated from nuclear power. We have created significant waste and have an obligation to address it.

S. 1287 is consistent with the NRC's proposed regulations for Yucca Mountain which are consistent with the National Academy of Sciences report. The Environmental Protection Agency continues to push for unrealistic, unnecessary, counterproductive standards that have nothing to do with protecting the health of Nevadans. Proof of that is they want these standards to equal drinking water standards, as low as one-tenth of a millirem for a separate ground water protection standard. The NRC measures radiation exposures to all individuals from all sources as required by law, including exposures from drinking water.

I question whether the Safe Drinking Water Act should be applied to ground water from this area where we have had 50 years of nuclear testing and over 800 tests. If the water becomes tap water, then perhaps the act should apply, but not while the water is still in the ground.

EPA wants to take extreme, strict standards that were designed to apply to drinking water out of a tap and apply it to water in the ground whether people drink it or not. What they are saying is you cannot achieve the process of getting this site licensed if you set a standard that is unattainable.

I am not hung up on standards and who dictates standards, but I am committed to getting this legislation through, protecting the public, and ensuring we have a standard that is achievable based on the best science available. I will not support a standard that the EPA dictates that will simply make the project unachievable at the expense of the taxpayers, who probably have over $15 million already in this process, let alone the expenditure of another $50 million to $80 million for not having taken the waste.

Let me clear up a very important point. The Nuclear Regulatory Commission standard fully protects the people in Nevada. Whether the drinking water standard is applied to ground water has nothing to do with how much additional exposure there is from this facility.

EPA applied similar regulations to the WIPP in Carlsbad, NM, to the transuranic nuclear waste disposal facility. This is Government waste from weapons production facilities. WIPP is a Government facility in the salt caverns of Carlsbad, NM.

The drinking water standard was not an issue when WIPP was licensed by EPA because WIPP is a salt mine and has no potable water around it. One wonders whether EPA thinks all nuclear waste should be disposed of in a salt cavern. I am not sure everyone in this body will agree.

The National Academy of Sciences did not recommend that the Safe Drinking Water Act be applied to ground water. Instead, it addressed requirements necessary to limit the overall risk to individuals as required by law.

Finally, the NAS concluded the decision regarding the acceptable levels of protection at Yucca Mountain is a policy decision. I believe it is appropriate that Congress make the decision regarding the level of protection and that the NRC set the standard. In short, the statement of the administration position bases its objections on a disregard of both existing law and the reality of the Federal Government's obligation to take nuclear waste beginning in 1998.

There is a question of whether the EPA standard will harm health and safety nationwide. Do not believe the draft EPA regulations are a victimless crime. By ignoring this requirement and insisting on a standard that no repository probably can meet, a standard

that provides no additional protection for health and safety to the people in Nevada, EPA and the opponents of Yucca Mountain will harm health and safety across the country. Why? Because the current storage was not designed for this hazardous waste. It was designed to be removed, because there was a commitment made by the Federal Government pursuant to a contract beginning in 1998.

The Federal Government has failed to perform under that contract. As a consequence, the waste stays where it is. Some of the Governors have said: Well, we are concerned about this waste staying in our State. And if indeed, as this legislation proposes, the Government takes title of the waste site, we are fearful it will stay in our State. I would say to our Governors: If this legislation does not pass, it is just where it is going to stay. It is going to stay in those States.

This chart shows where it is. It is in over 80 sites around the United States, all over the east coast. The chart shows in brown where our commercial reactors are. We have shut down reactors with spent fuel shown in the green. That isn't going to move until we get the repository for it. We have military reactors, Navy reactors, and we have the Department of Energy reactors and waste around the country.

My point is, this legislation is a mandate to address a problem. It might not be perfect, but if you have a better answer, come on aboard and let's try to address our responsibility.

In the remaining minutes, let me conclude by reminding you that the Department of Energy's draft environmental impact statement on Yucca Mountain concludes that the public would be at a far greater risk of latent cancer if high-level radioactive waste in used fuel were left at the 80 sites around the country.

If you are comparing apples to apples, the draft EIS assumes that in either case, people completely walk away from the repository and the on-site storage facilities after 100 years. This is the standard assumption of the EISs. For people living near the repository—with spent fuel shielded by natural and engineered barriers hundreds of feet below the ground and hundreds of feet above the water table—the long-term effects are very negligible.

The Department of Energy concludes that there would be virtually no latent cancer fatalities—much less than 1—over 10,000 years. On the other hand, the consequences of leaving the material at a score of sites around the Nation are certainly far greater. And that is where we are now.

In the absence of institutional controls, on-site storage would lead to ''about 3,300 latent cancer fatalities over 10,000 years as storage facilities across the United States degraded and radionuclides from spent fuel and high-level radioactive waste reached and contaminated the environment.''

The Department of Energy calls the outcome of this ''no action'' scenario a ''considerable human health risk.'' High-level nuclear waste is in the backyard of our constituents, young and old, across the land. In further presentations, we are going to spell out specifically where it is, the street it is on, across from the school, across from the church.

As DOE points out in the environmental impact statement, each year that goes by, our ability to continue storage of nuclear waste at each of these sites in a safe and responsible way diminishes. It is irresponsible to let this situation continue—literally, a crime against the future. We cannot let that happen.

A myth is: The release standards for the Waste Isolation Pilot Plant program were set at 3 millirems.

Reality: The 3-millirem standard did not apply at WIPP. This is the Safe Drinking Water Act level which EPA has chosen to apply to ground water. However, WIPP is in a salt dome and contains no potable ground water, so the drinking water standard did not apply.

Myth: If you do not pass this bill, the Yucca Mountain will open on schedule.

The reality is, the antinuclear activists and the Nevada delegation are doing everything they possibly can to stop Yucca Mountain from opening, including encouraging the EPA to issue a counterproductive and impossible-to-meet standard for radiation.

Further myth: Nuclear waste storage casks are safe for storage but not for transport. The reality of that is, properly licensed nuclear storage waste casks are safe for both storage and transport. We in the United States have transported over our highways 2,400 shipments of spent nuclear fuel by the nuclear energy industry and others, over the past 25 years. This chart shows the network of where it has traveled. It has moved all over the country, up and down the east coast, through the Rocky Mountains, through the Midwest, and up and down the east coast.

There have been 2,400 shipments of spent nuclear fuel by the nuclear energy industry and others over 25 years. No fatality, injury, or environmental damage has ever occurred because of a radioactive cargo. It isn't that we could not have an accident, but we take steps to ensure that the risk is at a minimum. I suggest we have had an occasion where we have had a truck break down but the casks have performed as designed; they have not broken up. The nuclear disasters the Nevada Senators have promised would happen simply have not happened. Technology is the answer. Technology is available for safe transportation, and it is already paid for.

We look at Europe. They are moving high-level radioactivity from their nuclear plants by ship, by railroad, as well as highways.

Senate bill 1287 provides the authorization to coordinate a systematic, safe transportation network to move spent fuel to a storage facility.

A further myth: Leaving the spent fuel where it is only costs $5 million per site.

Reality: At a hearing before the Energy and Natural Resources Committee, the NRC Chairman testified that the startup costs of building a dry cask storage facility at a reactor would be $6 million, plus $1.5 million per year for new casks and operation, plus $5 million per year for maintenance after the reactor is shut down.

But the real question is, What will it cost the taxpayer? The DOE has collected, as I have previously indicated, over $15 billion from the ratepayers, the people who pay their electric bills, under a binding contract to move the spent nuclear fuel. The Federal Government did not meet that binding contractual term to take it beginning in 1998. Damages, I have indicated, for nonperformance of that contract have been estimated between $40 and $80 billion. The Government is ignoring the sanctity of its contract. That amounts to $1,300 per American family.

Here is how the damages break down: The cost of storage of spent nuclear fuel, $19 billion; return of nuclear waste fees, $8.5 billion; interest on nuclear waste fees, $15 to $27 billion; consequential damages for shutdown of 25 percent of the nuclear plants due to insufficient storage—power replacement cost—$24 billion.

Well, this is billions upon billions.

If regulators prohibit additional on-site storage, utilities may be forced to close plants and buy replacement power at an average cost of $250,000 to $300,000 per day for a typical reactor.

Finally, let me conclude by exposing the ultimate myth. That myth is: 80 nuclear storage waste sites are safer than 1 centralized storage site at the Nevada Test Site, a site so remote that it has been used to explode nuclear devices for 50 years.

Let's put the picture of the Nevada Test Site up one more time. The reality of this is simple, really. Why should we leave spent nuclear fuel at nuclear powerplants in 34 States when there is a less costly storage method with an increased magnitude of safety?

The picture shows, the proposed site of where we will put it, the one site. The point is, let's put it in one site where we can monitor it. If we want, we can have an appropriate repository so that if at some time we want to have a retrievable capability, we can do so, as technology advances.

DOE's own environmental impact statement calls the outcome of the ''no action'' scenario a ''considerable human health risk.'' Transporting used nuclear fuel to a central storage facility in the Nevada desert is the only sensible approach.

I do not have to remind my colleagues that the Federal Government made a promise and signed contracts with utilities—including those in many of individual Members' States—that it would start disposing of spent nuclear fuel in 1998.

The evidence is squarely on the side of reaffirming this vital commitment. It makes good sense to consider the Nevada Test Site, an isolated, unpopulated, desert location where we used to test nuclear bombs. You have seen that on the picture behind me.

When you test a nuclear bomb, even underground, radioactivity can and does escape. It does get into the ground water and sometimes even the atmosphere. My colleagues from Nevada have supported continued bombing tests on the test site but don't support storage of spent nuclear fuel in an NRC-licensed and monitored facility. I just don't understand why. Why was the Nevada Test Site good enough to test leaky bombs but suddenly is not good enough for safe and secure spent fuel storage? I know there is a little politics in it. I understand politics. Leaving used nuclear fuel at a nuclear plant site defies common sense, makes a mockery of Government accountability, reneges on a promise made by the Government, and is extremely costly to the taxpayer.

Spent fuel pools at reactor sites were never intended to be used for long-term storage. As you remember, a few years ago, radioactive tritium gas leaked into Suffolk County, Long Island, ground water from the spent nuclear fuel storage at Brookhaven National Laboratory. In response, the Department of Energy removed the spent fuel and shipped it for storage to another DOE site. All we are asking is that DOE perform the same task which it is legally obligated to perform for civilian nuclear reactors.

Without a Federal spent fuel storage facility or an additional on-site temporary storage, which many opponents of this bill also actively oppose, some utilities will be forced to close plants down prematurely. In fact, 26 reactors will exhaust existing storage capacity in the next couple of years. To understand the calamity this would bring about, consider what would happen if you started chipping away at 20 percent of this Nation's electric supply or what the skies would look like if this base load capacity were replaced by fossil-fuel-burning plants of the older technology. As some of you are aware, the temporary shutdown of nuclear plants in the Northeast and Midwest had authorities planning for rolling blackouts during the hottest days this last summer.

The Senate must pass Senate bill 1287 and start developing the integrated spent fuel management programs that Congress has mandated and engineers and scientists have thoroughly designed safe technology for storage and for transportation of spent fuel, and for which electricity consumers in this country have paid. The Federal Government has promised it would dispose of this waste. It is now time for the Federal Government to stand up and be counted and do its job. S. 1287 is the solution.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. MURKOWSKI. I am happy to yield.

Mr. SESSIONS. The distinguished Senator from Alaska indicated that we have already spent $6 billion on this facility in Yucca Mountain?

Mr. MURKOWSKI. The Senator is correct. We've actually spent a little bit more than that. We have the tunnel basically done. The facility is designed to be a permanent repository for this high-level waste.

Mr. SESSIONS. They are not just going to lay it out on the ground. There is a tunnel into the ground in the desert out there?

Mr. MURKOWSKI. That is correct. It is the intention to put the waste in casks, and the scientific community is going to have to certify that this waste will withstand whatever conditions that there might be for 10,000 years.

Mr. SESSIONS. It will be inside casks and then inside a concrete tunnel?

Mr. MURKOWSKI. The Senator is correct; concrete and rock.

Mr. SESSIONS. Do any people live right around there? Are people going to be living next to this facility?

Mr. MURKOWSKI. Well, there won't be anybody living next to the facility. Forty-some-odd miles away is the nearest living soul to that particular area. Las Vegas is, of course, over the mountains.

Mr. SESSIONS. Forty miles is a long way. I notice your chart showed that if you stood 6 feet from a trainload of this waste that was being sent out there, you would get about one-tenth as much exposure as we get here in the Senate?

Mr. MURKOWSKI. That appears to be the case, because of the stone with which the building was built.

Mr. SESSIONS. It strikes me, if you were 40 miles away, you wouldn't get the little 5-millirem exposure. It would be infinitesimal, what anybody in Nevada would be exposed to as a result of storing this waste in one facility.

Mr. MURKOWSKI. I appreciate you pointing that out again.

As you know from the chart, it does say 80 millirems is the exposure we get here in the Capitol. If you live in a brick house, you get 70 millirems. You get 53 millirems of additional exposure from cosmic radiation in Denver, as a result of the higher altitude. The average radiation from the ground is 26 millirems. An x ray is 20. A dental x ray is 14, and you have to write a check for it. A round-trip flight from New York to Los Angeles is 6. Exposure for a half hour from a transport container to a truck 6 feet away is 5 millirems.

It is important that we put these in perspective.

Mr. SESSIONS. I thank the distinguished Senator for his leadership on this issue.

Since I have been in the Senate, I don't think I have ever seen a public policy issue more bizarre than the inability of this Nation to remove nuclear waste from five sites in my home State of Alabama and all over the United States to one safe and secure location. Why that can't be accomplished and why those continue to frustrate our efforts to carry out the law is beyond me.

I know the Senator said $6 billion had been spent on fixing this site so far. I understand everybody who pays their electric bill pays a certain percentage of that bill for storing of nuclear waste. Does the Senator know how much has been paid in by the citizens of America to make this a safe site for this disposal?

Mr. MURKOWSKI. In responding to the Senator from Alabama, a little over $15 billion has been paid to the Federal Government. The Federal Government agreed to take the waste beginning in 1998. Clearly, that date has come and gone.

Mr. SESSIONS. I can see why the Senator began his remarks raising the concern that the Federal Government should honor its commitments.

Mr. MURKOWSKI. I might add also, there is a significant legal obligation for noncompliance with that contractual agreement, somewhere between $50 and $80 billion. I happen to be a banker and know something about money, but I am not as familiar as perhaps a lawyer would be with the significance of a settlement for damages, but it is going to cost the taxpayer a bundle.

Mr. SESSIONS. I think that is important. Money cost is important, $15 billion already spent.

For the Senator's edification and those in the body, in Alabama, outside of the education budget, the State general fund budget is less than $1 billion a year. This is 15 annual general fund budgets for the State of Alabama we have invested, and to date there has been no movement.

I thank the Senator for leading the effort on this. I believe his remarks are a comprehensive demolishment of any objection by a rational human being to carrying out the legislative mandate of this Congress. We need the President to be helping rather than frustrating. We need to pass this law. I was a Federal attorney for a long time. The Federal Government has the power and does, on a daily basis, condemn properties all over America for public use. This is 40 miles away from people. It is the appropriate location where we have done nuclear testing.

I stand in amazement that we are unable to bring it to a conclusion and thank the distinguished Senator.

Mr. MURKOWSKI. The only explanation I can give my friend from Alabama is, for reasons I can only assume are associated with the objections from antinuclear groups, this administration has simply chosen to ignore its obligation on the issue of nuclear waste. We have an industry that is strangling on its own waste. Our technology has created that waste. On the other hand, we are dependent for about 20 percent

of our power on nuclear power generation. Obviously, it has made a substantial contribution to the air quality because there are no air emissions from nuclear power. As we look at the French, they are almost 90-percent dependent on nuclear energy.

They have chosen not to be held hostage by the Mideast as they were in the 1973–74 timeframe. So they have developed almost entirely their power generation on a nuclear power generating industry and their sophistication of disposing of the waste is through technology. They take the waste and reprocess it, recover the plutonium, put it back in the reactors, and burn it, and hence reduce the proliferation. The residue is vitrified like a glass and that is buried, but it has a relatively short life.

So while we are committed to permanently disposing of our high-level waste at Yucca, there is another alternative that we have precluded ourselves from pursuing, which, in my opinion, is probably the right way to go, and it is the way the Japanese are going as well.

Mr. SESSIONS. Well, the Senator mentioned that 20 percent of our power is nuclear. I have had some occasion to study this issue. I served on the Clean Air Committee of the Environment and Public Works Committee. The President has committed us to his view of reducing emissions into the atmosphere by 7 percent, during a period of time when our demand for electricity is going to nearly double; but 20 percent of our electricity comes from nuclear power in the United States, is that right?

Mr. MURKOWSKI. That is right.

Mr. SESSIONS. We haven't had a new nuclear plant built in almost 20 years.

Mr. MURKOWSKI. That is correct.

Mr. SESSIONS. How are we going to increase production of power and at the same time shut down the nuclear energy that other nations are using regularly?

Mr. MURKOWSKI. That is a very interesting point the Senator has brought up, because if we look at the clean air proposal of this administration and the proposal that 7½ percent could come from renewables, we have to question whether we have that technology.

Somebody said if you took every square foot of New Mexico and Arizona and put solar panels across, you would only get half of 1 percent, because it gets dark once in a while and the wind doesn't blow all the time. So we have real problems with facing reality in the administration's proposal. There is no mention of the role of nuclear power in that proposal. Nor do they consider hydroelectric generation as a renewable, which is beyond me, because it rains, the lakes fill up, and the hydro works. But it is a mentality currently within this administration.

I appreciate the Senator bringing up these points, but in the clean air proposal by this administration, there is no role for nuclear. Clearly, there has to be.

Mr. SESSIONS. I had the privilege of representing this Congress, with a number of other Senators, at a European conference of the North Atlantic Assembly. The President's own appointee as Chairman of the International Atomic Energy Administration, or association, Mr. John Rich, made a marvelous talk. I can sum it up fairly by saying that he concluded there is no way this Nation, or the world, can ever meet our clean air global warming goals without the enhancement of nuclear power. He demolished the idea that renewables, or others, could come close to filling the gap. This is the President's own appointee.

I don't know. Maybe he ought to go sit down in the White House, or with the Vice President, and discuss these issues because we are facing a crisis. We need to maintain our atmospheric purity as much as we can. We certainly don't need to be increasing. I thank the Senator for his time.

Mr. MURKOWSKI. I thank my friend. I see my friend from New Mexico will be seeking recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, I wish to say I wasn't present in the discussion about clean air and the ambient air standards, as they might pertain to nuclear power in America and what might happen to the nuclear power we have, the powerplants, and what might happen in the future. But I know, even without being here, that it was a very enlightened discussion about the fact that if you are looking for a cleaner world and for the ambient air of the world and in America in the future, to sustain economic growth, for it to be clean and livable, anybody who leaves nuclear power off the map and doesn't even talk about it is absolutely missing the greatest opportunity we have to accomplish what all of those who want clean air set out to do. In fact, I think the Senator shares this observation with me. The Kyoto agreement, with all of its preamble work—the whereases—was totally void of a reference to nuclear power.

Mr. MURKOWSKI. That is correct.

Mr. DOMENICI. I discussed that report with one of the most eminent physicists in the world. What he said to me was: I looked from cover to cover, and since I could not find one word on nuclear power, I put the report down and said it cannot be one that is really objective and realistic.

Now, that is better than I can say it. I think that is what the Senator has been saying and what my friend from Alabama, who has regularly talked with me about nuclear power and clean air, has said. It is amazing, if we can just come to the floor and talk about the other sources of energy and what they have done to human life in terms of deaths in mining, the deaths on the trains that have carried coal, and all of the other things related to producing energy that we use willfully and without great concern about the danger and the risks, and then put that up alongside nuclear power from its origin, it will look like a big giant heap of coal versus a little tiny package of salt over here that will represent the harm we have caused to people and the environment with nuclear power. They are not even in the same league in terms of damage to people, deaths to people, and the like. It has been a very safe industry, and in the United States, it has been truly miraculous that with this kind of engineering we have had two accidents and neither were fatal.

Mr. MURKOWSKI. No fatalities. I thank my friend from New Mexico.

BALANCED BUDGET ACT

Mr. DOMENICI. Mr. President, I came down to make a few remarks about a bill that is in conference, a subject matter we have been talking about for some time, and that is the Balanced Budget Act and what kind of impact it had on skilled nursing homes, on rural hospitals, and other parts of the entire health delivery network in the United States. While I won't take very long today, I do come because I think it is very urgent to the conferees on what we have been calling a ''Medicare replenishment'' bill—a bill that goes back and says let's make a few adjustments to the Balanced Budget Act as that Budget Act sought to restrain the cost of health care in three, four, or five areas.

Particularly, I want to talk about the House and Senate and the ultimate compromise on the legislation to increase payments for the nursing home patients and proprietors and owners of skilled nursing homes and that industry. In fact, the problems in the nursing home industry are as severe, if not more severe, than in any other part of the health care system in the United States. To talk about hospitals as if they are more important than skilled nursing homes, and that we should worry more about hospitals and less about skilled nursing homes, is not to address the issue properly, for there are literally hundreds of thousands of Americans, men and women, predominantly women, in the skilled nursing homes across this land. Some are Ma and Pa owners of one or two units; some are corporately owned, where hundreds of these particular skilled nursing home facilities are owned by a company.

A couple of weeks ago, a very large nursing home company with headquarters in my home State filed for chapter 11 bankruptcy protection. That was a second nursing home chain to file for bankruptcy protection in the last 2 months. These two nursing home chains own hundreds of facilities all over the country. So every Senator